

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

OUMAR AMADOU CISSE,  
Petitioner,

v.

FIELD OFFICE DIRECTOR,  
IMMIGRATION AND CUSTOMS  
ENFORCEMENT,  
Respondent.

Case No. 1:19-cv-69

Dlott, J.  
Litkovitz, M.J.

**REPORT AND  
RECOMMENDATION**

Petitioner, through counsel, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 1). On February 7, 2019, the Court issued an Order for respondents to file an answer responding to the allegations of the habeas petition. (Doc. 3). Prior to the deadline for respondents to file an answer,<sup>1</sup> petitioner filed a notice of voluntary dismissal, pursuant to Fed. R. Civ. P. 41(a)(1)(A). (Doc. 7).

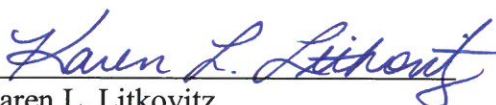
Fed. R. Civ. P. 41(a)(1)(A) permits a party to dismiss an action without a Court order before the opposing party files an answer.

Pursuant to Fed. R. Civ. P. 41(a)(1)(A), this action should be **DISMISSED without prejudice.**

**IT IS SO RECOMMENDED.**

Date: \_\_\_\_\_

3/25/19

  
Karen L. Litkovitz  
United States Magistrate Judge

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<sup>1</sup> By Order issued March 20, 2019, respondents were granted an extension of time through and including March 26, 2019 to file an answer. (Doc. 6).

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).